

MANIPUR



GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 13

Imphal, Tuesday, April 15, 2025

(Chaitra 25, 1947)

No. H-2001/69/2025-HD-HD
GOVERNMENT OF MANIPUR
SECRETARIAT : HOME DEPARTMENT

NOTIFICATION NO. 24

Imphal, the 15th April, 2025

Subject: Commutation of Sentence - regarding.

1. In law, a commutation is reducing a punishment for a crime. After getting a commutation, an incarcerated person's original sentence of ten years in prison might be reduced to five years. A commutation is different from a pardon, which eliminates the actual conviction. For example: - A death sentence may be commuted to rigorous imprisonment.
2. The President or Governor's constitutional power to commute a sentence, under Art. 72 and Art. 161 respectively, the Central and the State Governments can also statutorily commute a sentence. In the BNSS, Section 474 titled 'Power to commute sentence' lays down the extent of this statutory power.
3. A major change brought about by the BNSS is concerning the limit imposed on the commutation of a death sentence. Under S. 433(a) CrPC, a sentence of death could be commuted to 'any other punishment' stipulated in the IPC.
4. However, the BNSS restricts the discretionary power of the government by limiting the scope of commutation of a death sentence to a sentence of life imprisonment alone. This is intended to increase the deterrence of such offences, for which the death penalty has been awarded. Similarly, the scope of commuting any sentence into a fine has been curtailed with this provision only applicable to offences punishable with 3 years or less.
5. Section 5 of Bharatiya Nyaya Sanhita (BNS), 2023 relates to commutation of sentence as reproduced below:

"The appropriate Government may, without the consent of the offender, commute any punishment under this Sanhita to any other punishment in accordance with section 474 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Explanation.—For the purposes of this section the expression "appropriate Government" means,—

- (a) in cases where the sentence is a sentence of death or is for an offence against any law relating to a matter to which the executive power of the Union extends, the Central Government; and*
- (b) in cases where the sentence (whether of death or not) is for an offence against any law relating to a matter to which the executive power of the State extends, the Government of the State within which the offender is sentenced."*

6. Under the power conferred under Section 5(b) of the Bharatiya Nyaya Sanhita (BNS), 2023, the State Government of Manipur shall commute any punishment under this Sanhita without the consent of the offender to any other punishment in accordance with section 474 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

DR. MAYENGBAM VETO SINGH,
Joint Secretary (Home),
Government of Manipur.